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09/812,202	03/19/2001	Frederic Bauchot	FR920000003US1	9602

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EXAMINER

HILLERY, NATHAN

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/812,202
Filing Date: March 19, 2001
Appellant(s): BAUCHOT ET AL.

MAILED

NOV 28 2005

Technology Center 2100

Andrew M. Calderon
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/21/05 appealing from the Office action
mailed 1/21/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 2 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed invention amounts to functional descriptive data or a computer program pro se. Because the claims are means plus function, the claimed invention is considered software per se in light of the specification (pages 9 – 10).

Further, to expedite a complete examination of the instant application the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (EP569133A2).

Regarding independent claim 1, Anderson et al. teach that *whether 2-D or 3-D in nature, blocks of cells may be easily copied and cut (i.e., moved) using drag-and-drop editing techniques of the present embodiment. As shown in Fig. 4G for a 2-D block, for example, a method for copying a block of cells includes (1) selecting a source block by dragging a range of cells (e.g., mouse button-down events coupled with mouse movement across the range; close selection with a button-up event), (2) dragging the block (e.g., click within block followed by repeated mouse button-down events), and (3) dropping the block (e.g., mouse button-up event at desired target location). In a similar fashion, 3-D blocks may be dragged and dropped. In typical cut and copy operations, relative and absolute cell addressing is employed, as is known in the art (see e.g., Using 1-2-3). According to the present embodiment, however a "model copy" technique for copying blocks is also provided. Model copying, illustrated in Figs. 4H-J, is useful when the user is copying a block that contains absolute references to cells within the copied block. In Fig. 4H, a small spread model 496 is shown which contains a formula to figure the monthly payment for a 30-year loan at different interest rates; a reference to the loan amount was entered as absolute so that when the formula is copied, it continues to refer to ce11 B1. The user may want to calculate (at the same time) monthly payments for different loan amounts and, thus, might copy the model, with the loan amount changed (shown in Fig. 4I as spread 497). However, in this approach the absolute reference still refers to row 1; to correct this, the user would typically manually edit each formula to refer to 86 instead of B1. With model copying of the present embodiment enabled (e.g., by default or through a user dialog), however the problem is*

solved. In particular, absolute references adjust to the new location of the referenced cell, as shown by spread 498 in Fig. 4J; however, absolute references remain absolute to make future copies absolute. For instance, should the user make more copies of the formula, the reference to cell 86 is still absolute. In this manner, model copying of the present embodiment saves the user time-consuming and error-prone editing of formulas (page 8, lines 4 – 26), compare with **selecting a source cell range to cut and paste or to copy and paste into a destination cell range; storing (403) a working buffer the content of each cell that belongs to said source cell range; clearing the content of each cell that belongs to a source cell range to cut; for each cell stored in the working buffer: if the content of the stored cell comprises one or a plurality of absolute references pointing to a cell or a cell range belonging to the source cell range (405, 406); determining for each of said cells or cell ranges pointed by an absolute reference and belonging to the source cell range, a relative position within the source cell range; determining for each of said relative position within the source cell range, a corresponding absolute reference within the destination cell range; replacing (407) within the stored cell, each absolute reference pointing to a cell or a cell range belonging to the source cell range by the corresponding absolute reference within the destination cell range; copying (408) the content of each cell stored in the buffer to corresponding cells within the destination cell range, except the working buffer. Anderson et al. do not explicitly teach the working buffer; however, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to use and/or modify the invention of Anderson et al. to**

provide for **a working buffer**. The skilled artisan would be motivated to implement one of the known ways of copying and pasting, which employs a clipboard that is a type of **working buffer**, so that the users could continue pasting the selected range at other destinations from the clipboard.

Regarding independent claims 2 – 4, the claims incorporate substantially similar subject matter as claim 1, and are rejected along the same rationale.

(10) Response to Argument

In response to Appellant's argument(s) concerning the rejection of claim 2 under 35 USC 101, it should be noted that the components of the system need to include at least one piece of hardware or the system is software per se and unable to realize any of the underlying functionality. Furthermore, the system as a whole must also constitute a useful, concrete and tangible result and have a disclosed practical application. Presently, the Office has interpreted the means to be accomplishable by software.

In response to appellant's argument(s) that Anderson does not teach, disclose and/or suggests **storing in a working buffer the content of each cell that belongs to said source cell range** (pp 11 and 13), it should be noted that a working buffer is notoriously well-known throughout the art as is a clipboard as is further evidenced by *In an exemplary embodiment, tool bar 220 includes cut, copy, and paste buttons 221 ... Buttons 221 cut, copy and paste data and objects to and from Windows clipboard* (Anderson, p 5, lines 45 – 48). One of ordinary skill in the art at the time of the invention would be well aware that the Windows clipboard is equivalent to a working buffer in memory, i.e. the Windows clipboard is a temporary storage place in memory.

In response to appellant's argument(s) that Anderson does not teach, disclose and/or suggests **clearing the content of each cell that belongs to a source cell range to cut** (pp 11 and 13), it should be noted that the Appellant is not appreciating the art, Anderson, as a whole by simply citing the teachings of Anderson that discloses details of the "copy" process and not of the "cut" process. Even if the Office were to believe that Anderson does not teach, disclose, and/or suggest **clearing the content of each cell that belongs to a source cell range to cut**, Anderson does not have to teach, disclose, and/or suggest the limitation because of the open-ended claim language. Specifically, claim 1 recites the limitation, **selecting a source cell range to cut and paste or to copy and paste into a destination cell range**, which means Anderson only has to teach "cut and paste" or "copy and paste" using the broadest, most reasonable interpretation. Therefore, the Office submits that Anderson teaches "copy and paste", which Appellant does not argue, and as such, in this scenario, there are no cells that belong to a source cell range to cut, and as such, there is no content to clear. Whether or not Anderson teaches, discloses, and/or suggests "cut and paste" is moot and consequently renders the limitation, **clearing the content of each cell that belongs to a source cell range to cut**, moot.

In response to Appellant's argument(s) that Anderson does not teach, disclose and/or suggests **performing a test to detect, while parsing, if any absolute reference is found within the content of the memory working buffer; if any absolute reference is found, then performing a test on the absolute reference found to determine if the absolute reference points to a cell which is part of a cell**

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range which has been cut or copied to the memory clipboard; if yes, updating the content of the memory working buffer to change the absolute reference identified so that it points within a pasted range to a cell whose relative position within the pasted range matches the relative position of the original absolute reference within the source cell range (pp 11 and 14), it should be noted that these limitations are deemed to be substantially similar to limitations already addressed in the rejection of claim 1 under 35 USC 103(a). Specifically, the Office has interpreted "performing a test" to be substantially similar to "determining"; consequently, **performing a test to detect, while parsing, if any absolute reference is found within the content of the memory working buffer; if any absolute reference is found, then performing a test on the absolute reference found to determine if the absolute reference points to a cell which is part of a cell range which has been cut or copied to the memory clipboard; if yes, updating the content of the memory working buffer to change the absolute reference identified so that it points within a pasted range to a cell whose relative position within the pasted range matches the relative position of the original absolute reference within the source cell range** is equivalent to **for each cell stored in the working buffer: if the content of the stored cell comprises one or a plurality of absolute references pointing to a cell or a cell range belonging to the source cell range (405, 406); determining for each of said cells or cell ranges pointed by an absolute reference and belonging to the source cell range, a relative position within the source cell range; determining for each of said relative position within the source cell range, a corresponding absolute**

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reference within the destination cell range; replacing (407) within the stored cell, each absolute reference pointing to a cell or a cell range belonging to the source cell range by the corresponding absolute reference within the destination cell range. The rejection for these limitations can be found in the rejection of claim 1 under 35 USC 103(a) above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



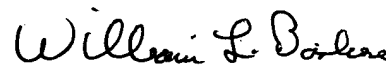
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11/21/2005